

REMARKS

Claims 1-30 were pending in the present application. By virtue of this response, no claims have been cancelled, amended, or added. Accordingly, claims 1-30 are currently under consideration. For the Examiner's convenience, Applicants' remarks are presented in the same order in which they were raised in the Office Action.

Rejections under 35 U.S.C. § 102(b)

Claims 1-4, 8, 9, 13, 16-18, 20 and 27-30 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ohsato (U.S. Patent No. 4,775,968).

Initially, Applicants note that the Examiner did not directly address any of the features of the method claims. The Examiner stated merely that the method claims "are drawn to the method of using the corresponding apparatus claimed in claims (9, 13, 16-18). Therefore method claims (1-4 and 8, 20 and 27-30) correspond to apparatus claims (9, 13, 16-18) and are rejected for the same reasons of anticipation as used above." Applicants submit the Examiner is inappropriately equating the features of the apparatus claims to the method claims, thereby ignoring features of the method claims that are not restricted to the features of the apparatus claims.

With respect to claim 1, Applicants respectfully traverse the rejection and submit that Ohsato does not disclose or suggest a triple push pull optical tracking method including "generating three S-curves by pair-wise subtraction of reflectance values," and "generating a linear position estimate by processing the S-curves," as recited. The Examiner states the "generation of the S-curves are described in col. 4, lines 22-50 and col. 5, lines 1-9 of Ohsato, which are inline with the instant specification on page 8, lines 10-16." The portion of Ohsato cited by the Examiner, however, merely describes reducing or eliminating "DC fluctuations" with three spots (see generally, Ohsato: col. 4, lines 42 – col. 6, lines 28). Ohsato further states "spot SP₃ is not used as the tracking error detection but used as the writing or reading of the data," whereas all three spots are used to generate position information in the present claims. (Ohsato: col. 4, lines 48-50).

Accordingly, Ohsato does not disclose or suggest generating three S-curves, let alone generating a linear position estimate by processing the S-curves, as recited.

Moreover, the Examiner compares the recited portion of Ohsato with page 8, lines 10-16 of the present application; however, this portion of the present application merely describes detection of the three spots. The generation of 3 S-curves and a linear position estimate by processing the S-curves is described more fully on page 9, line 1 through page 10, line 19 (and Figs. 8-12). Such features of claim 1 are clearly not disclosed or suggested by the methods and systems of Ohsato.

Therefore, it is clear that Ohsato does not disclose or suggest “generating three S-curves by pair-wise subtraction of reflectance values,” and “generating a linear position estimate by processing the S-curves,” as recited by claim 1, and the rejection should be withdrawn.

Independent claims 9 and 20 include similar features as claim 1, for example, “generating a set of three S-curves by pair wise subtraction,” and “generat[ing] a composite servo position signal from the S-curves and filtered reflectances.” Accordingly, claims 9, 13, 16-18, 20, and 27-30 are allowable over Ohsato for at least similar reasons as claims 1-4 and 8.

Rejections under 35 U.S.C. § 103(a)

Claims 5-7, 10, 11, 19, 21, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsato (U.S. Patent No. 4,775,968) in view of Yanagawa et al. (U.S. Patent No. 5,673,245).

Claims 5-7, 10, 11, 19, 21, and 22 depend variously from claims 1, 9, and 20 are allowable over Ohsato for at least similar reasons discussed above. The addition of Yanagawa fails to cure the deficiencies of Ohsato, nor is Yanagawa alleged to cure the deficiencies of Ohsato in the Office Action. Accordingly, claims 5-7, 10, 11, 19, 21, and 22 are allowable over the cited references and the rejection should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.249212013000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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